

UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: KEITH ALAN MIESEL et al. Group Art Unit: Unknown

Serial No.: Unknown

Examiner: Unknown

Filed: October 3, 2003

Attorney Docket No.: 009.6001 (P-11290.00)

For: SYSTEM, APPARATUS AND METHOD FOR INTERACTING WITH A
TARGETED TISSUE OF A PATIENT

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P O Box 1450
Alexandria, VA. 22313-1450

Commissioner:

In accordance with 37 C.F.R. 1.56 and in a manner prescribed by 37 C.F.R. 1.97 and 1.98, this Information Disclosure Statement IDS is being submitted herewith for consideration by the United States Patent and Trademark Office.

I. **CONTENT**

This IDS includes:

- A list of all patents, publications, applications, or other information submitted for consideration by the Office on PTO/SB/08A Form, which is included herewith;
- A legible copy of: (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) all other information or that portion which caused it to be listed, unless subsequently provided in this IDS.

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- Except as may be subsequently indicated in this section II, a concise explanation is not required as all of the patents, publications, applications or other information are in the English language.
- A concise explanation of the relevance, as it is presently understood by the individual designated in 1.56(a) most knowledgeable about the content of the information, of all patents, publications, applications or other information listed that is not in the English language.
- A copy of the translation of a non-English Language document, or portion thereof. (e.g., a translation of an abstract)
- Any patent, publication, pending U.S. application or other information that is listed on PTO/SB/08A Form, which are not enclosed herewith were previously cited by or submitted to the Office in one of the following applications that has been relied on for an earlier effective filing date under 35 U.S.C 120 and the IDS submitted in the earlier application complies with paragraphs (a) through (c) of 1.98:

U.S. Application Serial No.	U.S. Filing Date

III. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(b): (check one box)

- Within three months of the filing date of a national application other than a continued prosecution application under 1.53(d).
- Within three months of the date of entry of the national stage as set forth in 1.491 in an international application.
- Before the mailing date of a first Office Action on the merits. In the event that a first Office Action on the merits has been mailed, please consider this IDS under 37 C.F.R. 1.97(c) and see the statement under 1.97(e) **or** charge deposit account 50-2091 the fee specified by 37 C.F.R. 1.17(p) if such statement is not selected in Section VI.
- Before the mailing of a first Office Action after the filing of a request for continued examination under 1.114.

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(c):

- After the period specified in 27 C.F.R. 1.97(b) and before the mailing date of any of a final action under 1.113, a notice of allowance under 1.311 or an action that otherwise closes prosecution in the application, and accompanied by:
 - a statement specified in 1.97(e) as subsequently provided in this IDS; or
 - the fee set forth in 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(d):

- After the period specified in 27 C.F.R. 1.97(c) and on or before the payment of the issue fee, and it is accompanied by a statement specified in 1.97(e) as subsequently provided in this IDS and the fee set forth in 1.17(p).

VI. Statement under 37 C.F.R. 1.97(e) (check only one box)

The undersigned hereby states that:

- Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (check one box)

- A check in the amount of \$ _____ is enclosed for fees due with respect to this IDS.
- Please charge Deposit Account No. _____ in the amount of \$ _____ for the fees due with respect to this IDS. A duplicate copy of this paper is included with this IDS.

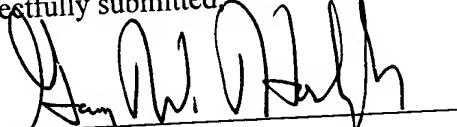
VIII. CONCLUSION

It is respectfully submitted that the claims presently on file patently distinguish the present invention from each of these references cited in this IDS. The references cited in this IDS are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art. Furthermore the filing of this IDS should not be construed to be an admission that the information cited in this IDS is, or is considered to be, material to patentability as defined in 1.56(b). In addition, the filing of this IDS should not be construed as a representation that a search has been made.

If the Examiner has any questions concerning these IDS, the Examiner is requested to contact the undersigned at the telephone number associated with Customer No. 29,906. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 50-2091.

Please charge any additional fees or credit any overpayment related to this IDS to Deposit Account No. 50-2091.

Respectfully submitted,

By: 
Gary W. Hoshizaki
Reg. No. 37,356

Date: 10/3/03

Ingrassia Fisher & Lorenz
Customer Number 29906

Enclosures:

PTO/SB/08A

References

Foreign Search Report

Fee

Other: _____

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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	
				Filing Date	
				First Named Inventor	Keith Alan Miesel
				Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	009.6001 (P-11290.00)

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered
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